

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROWENA DRENNEN individually and as the
representatives of the KESSLER
SETTLEMENT CLASS, et al.,

Plaintiffs,
-vs-

CERTAIN UNDERWRITERS AT LLOYD'S
OF LONDON, et al.,

Defendants.

Case No. 23-CV-03385-JPO

FINAL JUDGMENT

Whereas this matter has come before the Court on the Objections Regarding Fee Exclusions filed by Certain Underwriting Members at Lloyd's of London, Twin City Fire Insurance Company, Continental Casualty Company, Clarendon National Insurance Company, Swiss Re International SE (f/k/a SR International Business Insurance Company Ltd.), Steadfast Insurance Company, St. Paul Mercury Insurance Company, and North American Specialty Insurance Company (collectively "Defendants") (ECF Nos. 66, 78, 109, 111) and filed by the Kessler Settlement Class, the Mitchell Settlement Class, and the ResCap Liquidating Trust (collectively "Plaintiffs") (ECF Nos. 92, 105) in response to the Report and Recommendation issued by the U.S. Bankruptcy Court for the Southern District of New York (ECF No. 106-3; Bankr. ECF No. 968). The Court, having conducted a de novo review of the Fee Exclusions portion of the Report and Recommendation (ECF No. 106-1; Bankr. ECF Nos. 388, 396), the objections (ECF Nos. 66, 78, 92, 105, 109, 111), and the responses to the objections (ECF Nos. 167, 176), has issued two Orders and Opinions: (1) October 11, 2024 (ECF No. 217) declining to adopt the Bankruptcy Court's Report and Recommendation and granting Defendants' motion for summary judgment with respect to the application of the III.C.9 Return of Fees Exclusion; and

(2) November 20, 2024 (ECF No. 221) adopting the Bankruptcy Court's Report and Recommendation and granting Plaintiffs' motions for summary judgment with respect to application of the III.C.10 Mortgage Fee Claim Exclusion.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED

1. For the reasons stated in the Court's October 11, 2024 Order, Defendants' motion for summary judgment with respect to the application of the III.C.9 Return of Fees Exclusion is GRANTED.
2. For the reasons stated in the Court's November 20, 2024 Order, Plaintiffs' motions for summary judgment with respect to the application of the III.C.10 Mortgage Fee Claim Exclusion are GRANTED.
3. As a result of the Court's October 11, 2024 and November 20, 2024 Orders, Plaintiffs' claims in the Third Amended Adversary Complaint dated February 4, 2020 (ECF No. 110-27; Bankr. ECF No. 412) are DISMISSED with prejudice.
4. The Report and Recommendation issued by the U.S. Bankruptcy Court for the Southern District of New York (ECF No. 106-3; Bankr. ECF No. 973) and all past filed objections to the Report and Recommendation not subject to the Court's October 11, 2024 and November 20, 2024 Orders, are expressly preserved and not waived in the event that any party appeals this Final Judgment and the Court of Appeals remands the action to this Court for further proceedings.
5. The Clerk of the Court shall enter Final Judgment for Defendants against Plaintiffs pursuant to F.R.C.P. 58(b).

6. Defendants are permitted to make an application for Costs pursuant to F.R.C.P. 54 and Local Civil Rule 54.1. Pursuant to Local Civil Rule 54.1, costs will not be taxed during the pendency of any appeal, motion for reconsideration, or motion for a new trial.

The Clerk of Court is directed to mark this case as closed.

Dated: December 13, 2024
New York, New York



J. PAUL OETKEN
United States District Judge